

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EDWARD WILLIAMS,

Plaintiff,

v.

DR. SANTIAGO and MARILYN HARRIS,

Defendants.

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Case Number 08-10044

Honorable David M. Lawson

Mag. Judge Michael J. Hluchaniuk

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION AND DISMISSING CASE WITH PREJUDICE**

Presently before the Court is the report issued on August 13, 2009 by Magistrate Judge Michael Hluchaniuk pursuant to 28 U.S.C. § 636(b), recommending that this Court dismiss the plaintiff's complaint with prejudice for failure to prosecute and deny the defendants' motions to dismiss as moot. Although the magistrate judge's report explicitly stated that the parties to this action may object to and seek review of the recommendation within ten days of service of the report, no objections have been filed. The parties' failure to file objections to the Report and Recommendation waives any further right to appeal. *Smith v. Detroit Federation of Teachers Local 231*, 829 F.2d 1370, 1373 (6th Cir. 1987). Likewise, the failure to object to the magistrate judge's report releases the Court from its duty to independently review the matter. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). However, the Court agrees with the findings and conclusions of the magistrate judge.

Accordingly, it is **ORDERED** that the Magistrate Judge's Report and Recommendation [dkt # 76] is **ADOPTED**.

It is further **ORDERED** that the plaintiff's complaint is **DISMISSED** with prejudice for

failure to prosecute.

It is further **ORDERED** that defendant Armando Santiago, M.D.'s motion to dismiss [dkt. # 70] and defendant Marilyn Harris's motion to join co-defendant Armando Santiago, M.D.'s motion to dismiss [dkt. # 72] are **DENIED as moot**.

s/David M. Lawson  
DAVID M. LAWSON  
United States District Judge

Dated: September 1, 2009

**PROOF OF SERVICE**

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 1, 2009.

s/Lisa M. Ware  
LISA M. WARE